

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC  
SITING AND MARITIME USES

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HELD AT: Committee Room - City Hall

B E F O R E: Rosie Mendez  
Chairperson

COUNCIL MEMBERS:  
Annabel Palma  
Deborah L. Rose  
Stephen T. Levin  
Inez D. Barron  
Ben Kallos

## A P P E A R A N C E S (CONTINUED)

Speaker Melissa Mark-Viverito

Kathryn Garcia  
Commissioner of Department of Sanitation

Arlana Davis  
Department of Sanitation Real Estate Division

Steven Brautigam  
Assistant Commissioner of Legal Division at  
Department of Sanitation

William Wang  
Chief Operating Officer for Metropolitan  
Hospital

Orlando Rodriguez  
Manhattan Borough President's Office



2 CHAIRPERSON MENDEZ: This hearing is  
3 coming to order. Good morning, I am Councilwoman  
4 Rosie Mendez, and today I am serving as the Chair of  
5 this Subcommittee on Landmarks, Public Siting and  
6 Maritime Uses on behalf of Chair Koo who could not be  
7 here today. We are joined by Speaker Melissa Mark-  
8 Viverito, Council Members Kallos from Manhattan,  
9 Levin from Brooklyn, and Council Member Barron from  
10 Brooklyn. Today, we will be holding a hearing on a  
11 site selection and acquisition in the Speaker's  
12 district, LU Number 727 is an application submitted  
13 by the Department of Sanitation, the Department of  
14 Housing, Preservation and Development, and the  
15 Department of Citywide Administrative Services  
16 pursuant to Section 197C of the New York City Charter  
17 for the site selection and acquisition of property  
18 located at 207 to 217 East 127<sup>th</sup> Street, also known  
19 as Block 1792, lots five and part of lot 28, to  
20 facilitate the relocation of the Department of  
21 Sanitation's Manhattan District 11 Garage, Lot  
22 Cleaning Unit and Lot Cleaning Headquarters. This  
23 garage would replace the existing Sanitation garage  
24 located at 343 East 99<sup>th</sup> Street in Manhattan which  
25 Department of Sanitation is undersized, structurally

2 unsound and under pressure from hospital and  
3 residential development on the block. Due to  
4 overcrowding, Sanitation vehicles are currently  
5 forced to park on the street. This application  
6 proposes that the City enter into a 20-year lease  
7 with the Potamkin family of car dealers for the  
8 property for the new facility. The property owner  
9 would retrofit the existing three-story building to  
10 accommodate Department of Sanitation employee support  
11 space, offices and small vehicle and accessory  
12 parking. It would also construct a one-story building  
13 addition which would store vehicles and include a  
14 wash bay and a mechanic's bay, and outdoor at grade  
15 [sic] parking area would accommodate up to 22  
16 collection trucks, two front-end loaders and snowplow  
17 attachments. The facility would have a total  
18 capacity of 43 vehicles. I will now open to the  
19 public hearing on this item. The Department of  
20 Sanitation will present, and then we will hear from  
21 the Speaker and from members of the public. At the  
22 hearing for the Department of Sanitation is  
23 Commissioner Kathryn Garcia, Executive Director of  
24 the Real Estate Division Arlana Davis, and Assistant

2 Commissioner of the Legal Division, Steven Brautigam.

3 Okay. Thank you very much. Commissioner?

4 COMMISSIONER GARCIA: Thank you. Good  
5 morning, Madam Speaker, Chair Mendez and members of  
6 the City Council Subcommittee on Landmarks, Public  
7 Siting and Maritime Uses. As you said, I'm Kathryn  
8 Garcia, Commissioner of the New York City Department  
9 of Sanitation, and I'm joined by Arlana Davis and  
10 Steve Brautigam from my department. Thank you for  
11 this opportunity to testify on the proposed  
12 relocation of the Department's Manhattan District 11  
13 Sanitation Garage and Lot Cleaning Headquarters to  
14 207 East 127<sup>th</sup> Street in Manhattan's Community Board  
15 District 11. At the Department of Sanitation our  
16 mission is to keep New York City healthy, safe and  
17 clean by collecting, recycling and disposing of  
18 waste, cleaning streets and vacant lots, and clearing  
19 snow and ice. To accomplish this mission, the  
20 Department, like our brothers and sisters in the  
21 Police Department and Fire Department, relies on a  
22 network of district garages scattered across the  
23 City. in fact, we have one district garage for each  
24 of the City's 59 community districts. It is our  
25 preference for the benefit of the residents we serve

2 that our garages be located either within or as close  
3 as possible to their respective community districts.

4 The Department's Manhattan District 11 garage is  
5 currently located at the intersection of East 99<sup>th</sup>  
6 Street and First Avenue in an area zoned for  
7 residential uses. This building was constructed in  
8 1920 and has been used by DSNY since 1967. There are  
9 many structural deficiencies with this building. The  
10 second floor slab is no longer able to even support  
11 light duty equipment. The facility is severely  
12 undersized, forcing us to store our collection trucks  
13 and other equipment on local streets. These working  
14 conditions are unsuitable for the men and women that  
15 serve the residents of Manhattan District 11. DSNY  
16 has for nearly 30 years sought to find a suitable  
17 location for this garage. And I just want to take  
18 you through some of the pictures of why we think it's  
19 not suitable. This is the outside of the garage,  
20 which has been covered in scaffolding for quite a  
21 while. This is the interior. This is the interior  
22 where sanitation workers are forced to come every  
23 day. These are the personnel facilities and the  
24 office spaces. Clearly, there's been no investment  
25 in this facility for a very, very long time, and it

2 does impact the community. These are the trucks that  
3 are parked often on First Avenue or on 99<sup>th</sup> Street.

4 After evaluating other potential sites, DSNY  
5 determined that the site in question would be  
6 suitable to provide employee support services and  
7 store the garage's equipment. Together, with an  
8 8,700 square foot building addition to be constructed

9 by the property owner that would accommodate  
10 mechanical equipment maintenance, truck washing and  
11 winter vehicle storage. This site is comprised of  
12 the existing Mitsubishi building and adjacent parking  
13 lot at the western end of the Potamkin auto

14 dealership property on East 127<sup>th</sup> Street between  
15 Second and Third Avenues. And so these are-- this is

16 an overhead picture of the site that we're looking to  
17 lease. This is what it's looking in plan view of the  
18 anticipated construction and where the parking would

19 be, and then this is the renderings of what it will  
20 look like once it is completed and constructed. The

21 proposed site can also accommodate the department's  
22 lot cleaning offices, thus allowing the department to

23 vacate the current leased office building used for  
24 the Manhattan lot cleaning unit and our lot cleaning

25 unit headquarters at 177 East 123<sup>rd</sup> Street. Since



2 DSNY began pursuing this site several years ago,  
3 representatives of the department have met numerous  
4 times with local elected officials, Community Board  
5 members and local leaders. While these stakeholders  
6 have nearly unanimously expressed support for the  
7 goal of moving the garage off of the East 99<sup>th</sup> Street  
8 site, some have also expressed concerns with regard  
9 to air quality, public health, notably with respect  
10 to asthma, and traffic. The detailed environmental  
11 review for this application found at the facility  
12 will not have a significant adverse traffic, noise,  
13 air, or odor impacts. It will be a substantial  
14 improvement over the current open transit parking lot  
15 on the site, and it will enable DSNY to close its  
16 substandard East 99<sup>th</sup> Street garage facility in the  
17 storage of Manhattan District 11 equipment on public  
18 streets and maintain vital public sanitation and  
19 winter emergency response services for the district.  
20 We are proud of the fact that the DSNY collection  
21 trucks use state-of-the-art technology and ultra-low  
22 sulfur B-20 biodiesel fuel and include particulate  
23 filters and NOX [sic] controls, making truck's  
24 emissions about as clean as a natural gas fuel truck.  
25 DSNY's trucks are actually 98 percent cleaner than

2 the old un-regulated diesel trucks, as we recently  
3 reported to the Mayor and the City Council under  
4 Local Law 38 of 2005. We have analyzed these issues  
5 according to SECR [sic] standards and the analysis  
6 has been reviewed by technical experts at DOT and  
7 DEP. The potential change in air pollutant emissions  
8 was found to be well under the significant threshold  
9 even without taking credit for displacing the far  
10 less environmentally friendly diesel transit vans  
11 that currently park on the open lot. In addition,  
12 the garage will feature four state-of-the-art  
13 electric vehicle charging stations for the district's  
14 SUVs and sedans, which are mostly all electric or  
15 hybrid electric. Traffic impacts have also been  
16 thoroughly studied and found not to be significant.  
17 All refuse will be dumped on shift at the new East  
18 91<sup>st</sup> Street marine transfer station to be completed  
19 in late 2018 or early 2019, and not stored in trucks  
20 at the garage, thereby avoiding odors. Collection  
21 trucks will be washed weekly on site and will never  
22 be stored on the public street. That's about twice  
23 as often as our normal protocols for other garages.  
24 Another community concern was that equipment stored  
25 on the site would be visible to the neighborhood. In

2 response to these concerns, we made changes to the  
3 design to include a pre-cast panel wall and roll-up  
4 doors in an attractive design that will screen the  
5 equipment from view from the local sidewalks and  
6 streets. Finding an appropriate site to relocate  
7 this garage in Manhattan was challenging. When  
8 planning and siting any potential sanitation district  
9 garage, the Department must consider important  
10 factors that include adequate size, appropriate  
11 zoning, convenient access to truck routes, reasonable  
12 proximity to the district to be serviced, and of  
13 course, cost. As discussed in detail in the ULURP  
14 application's analysis of alternate sites considered,  
15 we also had to take into account the City's plans to  
16 redevelop certain sites for economic development or  
17 housing as well as the potential cost and disruption  
18 from the relocation of existing businesses on a given  
19 site. In considering the relocation of Manhattan  
20 District 11 garage, the Department evaluated several  
21 alternative sites, including some suggested by  
22 members of the community. The Department considered  
23 the now vacant East 126<sup>th</sup> Street MTA Bus Depot as a  
24 potential option. However, it's past as a historic  
25 burial ground for African-Americans makes the site

2 inappropriate for such use. In addition, that site  
3 is separately proposed as a mix-used development in  
4 the construction of the Harlem African Burial Ground

5 Memorial. The Department also considered a site

6 located at 203 West 155<sup>th</sup> Street within Community

7 District 10 for a multi-district garage. However,

8 this site is currently zoned for residential and

9 commercial uses and is only partially city-owned.

10 Constructing a sanitation facility would require

11 condemnation and demolition of existing residential

12 and commercial properties on the site and the

13 eviction of several small businesses. The Department

14 considered a site at 2137 First Avenue and East 110<sup>th</sup>

15 Street that is currently owned by Con-Edison and used

16 as a utility substation. DSNY has approached Con-

17 Edison about this property, but they have repeatedly

18 stated that this site is a key asset in meeting the

19 City's future energy requirements, and is a focus of

20 Con-Ed's long-term planning and service delivery

21 needs. As such, Con-Ed has declined to discuss the

22 sale of this site, and utility properties are not

23 subject to condemnation by the City. Lastly, at the

24 recommendation of Community Board 11, the Department

25 considered siting the new garage on city-owned

2 property on Randall's Island. However, the site  
3 recommended by the Community Board are all currently  
4 fully utilized by either DEP or FDNY. In addition,  
5 locating a facility on Randall's Island would raise  
6 concerns related to access to the community via the  
7 Tri-Borough Bridge, which would be problematic during  
8 winter weather operations. In conclusion, using the  
9 Potamkin building and parking lot provides the only  
10 available solution to the current pressing need to  
11 vacate the aged and decrepit Manhattan District 11  
12 garage and end the storage of its trucks on public  
13 streets to provide better working conditions to the  
14 men and women that serve Manhattan District 11 and  
15 maintain reliable sanitation services to the  
16 community. I strongly urge this committee and the  
17 City Council to approve this site selection ULURP  
18 application before you and support the relocation of  
19 the Manhattan District 11 Sanitation garage and lot  
20 cleaning office to the Potamkin site. Thank you for  
21 your consideration today. I am now happy to answer  
22 your questions.

23 CHAIRPERSON MENDEZ: Thank you very much,  
24 Commissioner. I will now turn this over to our  
25 Speaker, Melissa Mark-Viverito.

2                   SPEAKER MARK-VIVERITO: Thank you, Madam  
3 Chair, and thank you, Commissioner, for being here  
4 and the presentation. I know that I also wanted to  
5 like-- I don't know if we have it easily available.  
6 We had done-- I wanted-- you had shown photos, but we  
7 actually had staff go out and take a video so that  
8 people can really get a sense of the area, and I'll  
9 just have that play in the background. You can mute  
10 it, I guess, but play it. You want to mute it. Take  
11 out the sound so that we don't hear it. So, you can  
12 get a real visual. I mean, the street we're talking  
13 about, I mean, the trucks are constantly parked  
14 outside on the street. The equipment is out on the  
15 street. This block is actually the main entrance of  
16 Metropolitan Hospital, right here on 99<sup>th</sup> Street, and  
17 this has been an issue that has been brought to my  
18 attention since I became an elected official dealing  
19 with the Met Cab, the Metropolitan Hospital Cab. The  
20 issue of relocating this facility has always, always  
21 been something that has been present in the  
22 community's mind. So, it's something that I've been  
23 working on, something that I've been interested in  
24 seeing, and I'm glad that we've been able to engage  
25 in a conversation. We also do have a senior

2 residential facility on the corner of Second Avenue  
3 on 99<sup>th</sup> Street, and we also have Draper Hall which is  
4 being built right there on 99<sup>th</sup> Street and First  
5 Avenue, which will also be senior facilities and  
6 senior building. So this is just untenable, right?

7 And the facility in terms of the photos that you  
8 showed on the inside, we clearly understand that the  
9 structure is deeply flawed and unsuitable for the  
10 both the needs of the Sanitation Department and the  
11 broader community and that it's been three decades  
12 since the building was found to be structurally  
13 unsound with second floor slab deteriorating and  
14 unable to support vehicles and an exterior wall held  
15 up by permanent scaffolding as you can see there.

16 The current garage is also undersized as you  
17 indicated, so that Sanitation employees are forced to  
18 park trucks and equipment along the surrounding  
19 streets. This creates conflict with both the  
20 Metropolitan Hospital, which is located directly  
21 across the street, and the surrounding residential  
22 neighborhood. This garage certainly needs a new  
23 facility and a new location, and always, always,  
24 these kinds of conversations become controversial.  
25 Any sort of siting of any sort of public facility,

2 sanitation facility, social service facility always

3 becomes a major conversation. And so understanding

4 those challenges, I know that we have all been

5 hearing. You have heard. We have heard the concerns

6 that the 127<sup>th</sup> Street facility brings with it, the

7 idea that the garage will be largely unenclosed, and

8 community members had raised issues around noise, air

9 quality, odors, traffic, and quality of life. You've

10 mentioned some of the adjustments that have been made

11 on the façade and covering so that from the street

12 perspective you cannot see the equipment. Equity is

13 another major consideration here. The community also

14 has concerns that the Community Board District 11,

15 the boundaries, house District 10's garage, which is

16 found on 131<sup>st</sup> Street, and the proposed relocation

17 will increase the concentration of refuse collection

18 within a few blocks. So, this is an issue of

19 concern. Thus far, the Administration has not

20 responded to calls for investing in a long-term

21 multi-district facility solution akin to the award-

22 winning Spring Street facility, and I really do hope

23 that the Administration can work towards a solution

24 that responds with sensitivity to community concerns

25 and ensures environmental equity and fair share



2 considerations, and obviously you said it's a 20-year  
3 lease. So the idea of really working collaboratively  
4 to look at a long-term solution is something that I  
5 definitely would like to discuss further. So, what  
6 are your thoughts about that in terms of working  
7 together collectively to figure out a long-term  
8 solution to this?

9 COMMISSIONER GARCIA: I would really  
10 welcome the opportunity to work collaboratively, both  
11 with the Council as well as with the folks in the  
12 community about finding a long-term option. I mean,  
13 Manhattan 10 is also going to need a new facility in  
14 the not-too-distant future. That's a leased facility  
15 at this time, but in order to ensure that we continue  
16 to service Upper Manhattan, I think that I would love  
17 to think through with the community where we could  
18 site a multi-district garage similar to Spring  
19 Street.

20 SPEAKER MARK-VIVERITO: So, would you be  
21 open to maybe convening that sort of a working group  
22 as soon as we could?

23 COMMISSIONER GARCIA: Soon as possible.  
24  
25

2 SPEAKER MARK-VIVERITO: Community Board,  
3 my office and other stakeholders, and see if we can  
4 just start engaging in that?

5 COMMISSIONER GARCIA: Yes. I mean, the  
6 challenge for us really always is locating a large  
7 enough site with footprint.

8 SPEAKER MARK-VIVERITO: Could you go  
9 over-- I know you kind of mentioned it in your  
10 testimony, but on the issue of air quality,  
11 obviously, and the trucks and the equipment, for  
12 instance? You-- talk a little bit more about the  
13 fleet, the number of trucks--

14 COMMISSIONER GARCIA: [interposing]  
15 Certainly.

16 SPEAKER MARK-VIVERITO: that will be  
17 housed here, the technology of those trucks, they're  
18 more environmental friendly from what I gather from  
19 your testimony, so if you could just describe the  
20 fleet itself that will be housed there and then some  
21 of the composition of it, I guess?

22 COMMISSIONER GARCIA: Absolutely.

23 SPEAKER MARK-VIVERITO: Technology-wise.

24 COMMISSIONER GARCIA: So, all of our  
25 heavy-duty fleet has very significant air quality

2 controls on it, filters so that we are meeting the  
3 highest quality standard, and that actually is going  
4 to get a little bit even more aggressive in the  
5 future with some of the newer model years. We'll  
6 have to meet even higher standards. But we  
7 anticipate that there will be 20 either collections  
8 or dual bin trucks at the site. So the dual bins  
9 look like a collection, but they're split in the  
10 back. There'll be four salt spreaders. There'll be  
11 one small spreader, four front-end loaders, one tow  
12 truck, one fork lift, nine passenger cars, and one  
13 what is called the "house truck" for a total of about  
14 41 vehicles.

15 SPEAKER MARK-VIVERITO: And is that what  
16 is at the 99<sup>th</sup> Street facility now?

17 COMMISSIONER GARCIA: Yeah, there'll be  
18 two. There'll be two trucks that are coming over  
19 from lot cleaning. Most will be kept on their  
20 parking lot, but just to manage logistics for that  
21 particular group of employees.

22 SPEAKER MARK-VIVERITO: And would you say  
23 that the vast majority of the services offered by the  
24 fleet is for Community Board 11?

2 COMMISSIONER GARCIA: Oh, absolutely. All  
3 of it designed for Community Board 11.

4 SPEAKER MARK-VIVERITO: Okay, so there's  
5 no other communities or neighborhoods that are being  
6 served?

7 COMMISSIONER GARCIA: No, I mean, every  
8 district garage serves its own community.

9 SPEAKER MARK-VIVERITO: Right. And the  
10 one that's relocated on Park Avenue under the  
11 Viaduct, 131<sup>st</sup> Street, is solely for District 10?

12 COMMISSIONER GARCIA: Is solely for  
13 District 10.

14 SPEAKER MARK-VIVERITO: Right, but then  
15 obviously that becomes the issue of being so closely-  
16 - same general area, but also that we Community Board  
17 11 is housing the trucks and the fleet for the  
18 neighboring community. That's why the long-term  
19 solution I think is definitely one that we welcome to  
20 have that conversation.

21 COMMISSIONER GARCIA: Right. No, I mean,  
22 it's-- while our preference is always to have the  
23 garage within the Community Board, mainly for service  
24 reasons. If you think about it, in a snowstorm the  
25 shorter the distance the truck has to go back for a

2 shift change, the quicker it's back on its route  
3 plowing rather than having to travel a great deal of  
4 distance to that, back to its garage to get the new  
5 person who is going to take over. But it's not  
6 unusual that we do end up because of the limitations  
7 on where we can site garages, that you end up with  
8 many district in one Community Board. For example,  
9 Spring Street is actually three district garages.  
10 It is Manhattan Board One, it is Manhattan Two, and  
11 it's Manhattan Five are all housed within that  
12 building, which is part of the reason that building  
13 is so big is that it's holding several garages in it.

14 SPEAKER MARK-VIVERITO: And in terms of  
15 the shorter distance and getting to the routes in a  
16 timely manner, particularly under adverse conditions  
17 is why you would say, although it's been thrown out  
18 there, that Randall's Island is not a suitable  
19 location.

20 COMMISSIONER GARCIA: Right. I mean, I'll  
21 just put it this way. We know that my pet other  
22 project that someday I'd like to see done, I know  
23 that it takes 45 minutes for a Community Board Eight  
24 truck to get to their-- to start their snow plowing  
25 routes during a storm. That means that they've lost

2 an hour and a half at least every single time we do a  
3 shift change, because they're at 215<sup>th</sup> Street. So, I  
4 mean, it makes a difference to us, and we're much  
5 more effective the closer we are to the people we  
6 serve.

7 SPEAKER MARK-VIVERITO: And lastly, can  
8 you commit on the record that there will be no trucks  
9 or equipment parked on the streets? This has been--

10 COMMISSIONER GARCIA: [interposing] Yes.

11 SPEAKER MARK-VIVERITO: You can commit to  
12 that?

13 COMMISSIONER GARCIA: Yes.

14 SPEAKER MARK-VIVERITO: Alright, we're  
15 going to hold you to that. So, those are my--

16 COMMISSIONER GARCIA: [interposing] I hold  
17 my district superintendent to that as well.

18 SPEAKER MARK-VIVERITO: I want to thank  
19 you for the responses. Again, I definitely will work  
20 with my colleagues regarding the working group that  
21 we can establish to look at a more long-term  
22 permanent solution, and I also do want to continue to  
23 thank you for the partnership on the attention you're  
24 paying to 125<sup>th</sup> Street.

25 COMMISSIONER GARCIA: Oh, absolutely.

2 UNIDENTIFIED: Yes.

3 SPEAKER MARK-VIVERITO: I know that it has  
4 made a big difference. Obviously, many challenges in  
5 that area of 125<sup>th</sup> and Lex, but we have gotten some  
6 issue addressed, and definitely the cleanliness is  
7 one of them, and other issues that we're trying to  
8 tackle with the Administration. So, I want to thank  
9 you for your diligence on that and your partnership  
10 on that, and I think those are my questions right  
11 now.

12 COMMISSIONER GARCIA: Thank you. I  
13 appreciate it.

14 CHAIRPERSON MENDEZ: Council Member  
15 Barron?

16 COUNCIL MEMBER BARRON: Thank you, Madam  
17 Chair, and thank you, Madam Speaker. Just a few  
18 questions. The present location, is that city-owned  
19 or are you leasing where the present?

20 COMMISSIONER GARCIA: The current  
21 location is owned by the Health + Hospitals  
22 Corporation.

23 COUNCIL MEMBER BARRON: So it is city-  
24 owned, but not by DSNY.

2 COMMISSIONER GARCIA: Yes, it's not  
3 designated as DSNY. So,--

4 COUNCIL MEMBER BARRON: And the location  
5 that you're considering moving to, it's a-- how long  
6 are the terms of the lease?

7 COMMISSIONER GARCIA: The lease is 20  
8 years.

9 COUNCIL MEMBER BARRON: Twenty years. Is  
10 there any opportunity for the City to actually buy  
11 that location and have that permanently?

12 COMMISSIONER GARCIA: We're not  
13 currently-- not currently in this have an option to  
14 buy, but should they decide that they would like to  
15 sell, I'm always open to purchasing property for the  
16 long-term.

17 COUNCIL MEMBER BARRON: And so after 20  
18 years what do you anticipate will be the status of  
19 DSNY?

20 COMMISSIONER GARCIA: After 20 years, I'm  
21 hopeful that we will have worked closely with the  
22 Council to figure out a long-term solution for a  
23 multi-district garage for upper Manhattan.

24 COUNCIL MEMBER BARRON: Thank you. Thank  
25 you, Madam Chair.



2 CHAIRPERSON MENDEZ: Thank you, Council  
3 Member Barron. Commissioner, I can vouch that I do  
4 know that you like long-term solutions and permanent  
5 sites. Let me ask you this, this is being handled as  
6 a 20-year lease rather than an acquisition because  
7 the owners are currently not--

8 COMMISSIONER GARCIA: [interposing]  
9 They're not interested.

10 CHAIRPERSON MENDEZ: interested?

11 COMMISSIONER GARCIA: Right. I mean, and  
12 many of our facilities across the City are leased  
13 facilities. It's not an unusual thing for us to end  
14 up in a lease facility. I, of course, always prefer  
15 to own, but at this time it was rather than trying to  
16 go through a condemnation, it made more sense to  
17 lease the property.

18 CHAIRPERSON MENDEZ: And in this--

19 SPEAKER MARK-VIVERITO: [interposing] But  
20 to be clear, if I'm not mistaken, that site formerly  
21 was a city-owned site, and the--

22 COMMISSIONER GARCIA: [interposing] And  
23 someone made a very--

24 SPEAKER MARK-VIVERITO: Harlem Empowerment  
25 Zone decided to create that auto mall which I really

2 thought was a bad decision and disposed it over to a  
3 private entity, and it's unfortunate that we're even  
4 having this conversation, that they're not looking at  
5 being benevolent back when the City is asking for  
6 some consideration. But originally, that was a city-  
7 owned site.

8 COMMISSIONER GARCIA: Right. No, I mean,  
9 I actually, I will say this on the record, I think it  
10 is a mistake for the City ever to sell any property  
11 it owns, period, full stop. Because I find that  
12 there are in-- there's almost always going to be need  
13 in the future for this, for city services, that you  
14 don't anticipate when you make the sale. They're  
15 not-- not everyone in city government agrees with me,  
16 but that's just my personal preference.

17 CHAIRPERSON MENDEZ: Madam Speaker, when  
18 was this property sold?

19 SPEAKER MARK-VIVERITO: Well, I think as  
20 part of the recommendation. I was not an elected  
21 official at that time. I forget what the years were,  
22 but it was recommended as a, you know, empowerment  
23 zone project and it became an auto mall. It became,  
24 you know, sell the cars in that area, but that whole  
25 lot used to be city-owned, and I think it was

2 disposed over at the request of the empowerment zone  
3 as an economic development project for that, for that  
4 purpose. And so, that was many years ago. I mean,  
5 definitely 12 years that I've been in office, it was  
6 before that, but within maybe 15 years.

7 CHAIRPERSON MENDEZ: Commissioner, the  
8 City usually has opt-out clauses for leases and/or  
9 additions where they can resign. Does this lease  
10 with Potamkin have options where this city can  
11 terminate and/or resign to have extra time at the  
12 site?

13 COMMISSIONER GARCIA: We have two five-  
14 year options on the lease. So, if we needed to stay,  
15 we have two five-year options.

16 CHAIRPERSON MENDEZ: Thank you. Council  
17 Member Barron, did you have a follow-up question for  
18 that.

19 COUNCIL MEMBER BARRON: Yes, just for a  
20 sake of clarity. You have two five-year options?  
21 That's the 10 years that we're talking about?

22 COMMISSIONER GARCIA: No, it's 20--

23 COUNCIL MEMBER BARRON: [interposing] Oh,  
24 it's beyond the 10 years?

25 COMMISSIONER GARCIA: Beyond the--

2 COUNCIL MEMBER BARRON: [interposing]

3 Okay, thank you.

4 SPEAKER MARK-VIVERITO: Actually, one  
5 thing I did forget to ask. So, the facility right  
6 now, the one that's just dilapidated where the  
7 employees work, so once you vacate that, what happens  
8 to that property?

9 COMMISSIONER GARCIA: We would give it  
10 back to DCAS, and they would dispose of it.

11 SPEAKER MARK-VIVERITO: Okay, so then  
12 that would be-- so that's an additional set of  
13 conversations that we I think are already having, but  
14 we are definitely concerned of what would happen.

15 COMMISSIONER GARCIA: I mean, I would  
16 assume that, you know, that will be something you'd  
17 be included in what should be the future of the site.  
18 It's really once we vacate we don't have a lot of  
19 say.

20 SPEAKER MARK-VIVERITO: Understood, but I  
21 mean, at least at that point if there is any sort of  
22 City disposition which has to come before the  
23 Council, we can engage in conversation about what  
24 might be of interest to the community to happen there  
25

2 as well, but okay, thank you. Because you said it  
3 was HHC.

4 COMMISSIONER GARCIA: HHC.

5 SPEAKER MARK-VIVERITO: Right. So, then-

6 -

7 COMMISSIONER GARCIA: [interposing] It  
8 owns the underlying property.

9 SPEAKER MARK-VIVERITO: it goes back to  
10 DCAS.

11 COMMISSIONER GARCIA: And goes to HHC,  
12 and then I guess people figure out what to do.

13 SPEAKER MARK-VIVERITO: Okay, thank you.

14 CHAIRPERSON MENDEZ: Commissioner, I  
15 understand that part of this structure of the  
16 facility will be unenclosed, is that correct?

17 COMMISSIONER GARCIA: So, there's an open  
18 parking lot and then there are enclosed spaces for  
19 the personnel, and for-- particularly for snow  
20 equipment, we don't keep snow equipment outside,  
21 because it tends to corrode because of the salt. And  
22 then there'll be space for mechanics inside in order  
23 to do the smaller repairs on the trucks, and then  
24 there's a wash bay inside to make sure that we can  
25 clean them on a regular basis, but then the other

2 trucks would be kept in the parking lot behind the  
3 pre-cast fence.

4 CHAIRPERSON MENDEZ: And why is where the  
5 trucks are going to be kept are unenclosed? Is that  
6 better? Can we enclose it, and what kind of cost to  
7 work would be--

8 COMMISSIONER GARCIA: [interposing] It's  
9 enclosed. It doesn't have a roof, but I don't think  
10 that that-- keeping trucks outside is something we do  
11 in many other areas where it's obviously actually--  
12 in some case it is on the public street. I'm  
13 spending a lot of time in the West 30's these days on  
14 the public street as well. But it doesn't hurt the  
15 trucks for them to be outside, and there isn't--  
16 there wasn't a difference really in air quality  
17 because they're not running while they're sitting in  
18 the parking lot.

19 CHAIRPERSON MENDEZ: Can you tell us at  
20 this facility what hours that the trucks are entering  
21 and exiting?

22 COMMISSIONER GARCIA: So, the primary  
23 shift starts at 6:00 a.m., and they would usually  
24 leave between 6:00-6:20 after roll call, and then  
25 they usually return sometime between noon and two,

2 depending on how their route has gone and whether or  
3 not they have dumped their truck on shift, which we  
4 would anticipate because it's sort of right down the  
5 block or will be. Then there are some occasions  
6 where we'll send out a truck on the 4:00-12:00 shift,  
7 but that's usually much smaller. Our primary shift  
8 is between 6:00 and 2:00.

9 CHAIRPERSON MENDEZ: Thank you. And how  
10 frequently are the collection trucks washed?

11 COMMISSIONER GARCIA: So, usually our  
12 collection trucks are washed every two weeks, but  
13 we've committed to wash them once a week here to  
14 ensure-- we don't anticipate that there would have  
15 been any odors, but to just be doubly protective to  
16 make sure that there are no odor issues within the  
17 community. We also agreed to comply with the more  
18 stringent M1 zoning requirements around odors, rather  
19 than the M3, which it currently is in.

20 CHAIRPERSON MENDEZ: Thank you. Are  
21 there any other questions? Madam Speaker? No?  
22 Council Member Barron? Okay. Thank you,  
23 Commissioner.

24 COMMISSIONER GARCIA: Thank you.  
25

2 CHAIRPERSON MENDEZ: I will now call up  
3 William Wang from New York City H+H.

4 WILLIAM WANG: Hello, good afternoon. My  
5 name is William Wang. I am the-- I'm a surgeon, and  
6 I'm the Chief Operating Officer for Metropolitan  
7 Hospital. Thank you very much, Commissioner.  
8 They've been excellent neighbors, and thank you,  
9 Speaker, for the pictures that you showed and the  
10 video. I would-- I'll make my statements very brief.  
11 We wholeheartedly support the movement of the  
12 Sanitation Department from outside around  
13 Metropolitan Hospital as well as Metro 99. I can  
14 attest that the parking on the streets which  
15 surrounds Metropolitan Hospital on two sides is a  
16 problem for the hospital. Not only when they wash  
17 the vehicles does it aerosolize the backwash and the  
18 odors come through Metropolitan Hospital, but the  
19 parking specifically on East 99<sup>th</sup> Street is at our  
20 clean air intake for the hospital, and this air goes  
21 into the birthing units of the hospital where  
22 expectant mothers are ready to deliver. We've tried  
23 to carbon filter this, and there's no amount of  
24 carbon filtering we're able to do to remove the odor.  
25 The other thing that also occurs is that the standing



2 water that occurs because of the storage on the  
3 streets becomes a mosquito problem for not our staff,  
4 but also for our patients. The entrance into the--  
5 into our loading zone is on East 99<sup>th</sup> Street. The  
6 sanitation trucks that are parked there become  
7 prohibitive for us to get deliveries at time. They  
8 also are a problem for the Metro 99 residents who  
9 have complained to our CAB [sic] that they are unable  
10 to access their Access-a-Ride in front of their  
11 building. They have to actually walk over to Second  
12 Avenue on the corner in order to get into the  
13 vehicles and go wherever they need to go. So, I'm  
14 happy to answer any questions, but I think you guys  
15 did an excellent job in portraying the push-back that  
16 we have been giving the Sanitation Department.

17 CHAIRPERSON MENDEZ: Thank you. Madam  
18 Speaker, do you have any questions?

19 SPEAKER MARK-VIVERITO: [off mic] Thank  
20 you for that testimony.

21 CHAIRPERSON MENDEZ: Thank you for your  
22 testimony, and yes, I don't have any questions as  
23 well.

24 WILLIAM WANG: Thank you so much.

2 CHAIRPERSON MENDEZ: And Orlando

3 Rodriguez is here from the Office of the Manhattan  
4 Borough President.

5 ORLANDO RODRIGUEZ: Thank you. Good  
6 afternoon. As you said, I'm here speaking on behalf  
7 of Ms. Brewer, the Manhattan Borough President, and  
8 we are-- we are concerned about many issues  
9 surrounding this proposal. The current facility at  
10 99<sup>th</sup> Street has been considered unsafe for several  
11 decades now. However, this solution does not solve  
12 any of the site planning concerns long-raised by the  
13 neighborhood, including those raised during this  
14 process. Additionally, this long-awaited garage is  
15 located in a community that continues to shoulder the  
16 weight of numerous City facilities, but will not  
17 solve the long-term needs of the Department of  
18 Sanitation and this neighborhood. First, the  
19 location of the proposed site presents many of the  
20 same issues associated with the current garage  
21 location. The immediate area is mixed-use in nature  
22 with development proposals that will further  
23 residential density nearby, including the proposal  
24 for the African Burial Ground Museum located at the  
25 MTA Bus Depot at 126<sup>th</sup> Street. Additionally, but

2 relocating the M11 garage to 127<sup>th</sup> Street, East  
3 Harlem, as you stated Madam Speaker earlier, will now  
4 house two sanitation garages in its district.

5 Secondly, the current relocation plan highlights, as  
6 was also previously stated, the pitfalls of releasing  
7 City assets without long-term planning or community  
8 involvement. It's incredibly disappointing that we  
9 find ourselves in the position of leasing under  
10 unfavorable terms, land that the City owned and then  
11 sold, while this 99<sup>th</sup> Street facility was considered  
12 untenable. The solution that's been presented,  
13 paying rent on land it once owned for a period of 20  
14 years, is unacceptable, and certainly not a  
15 sustainable practice the by City. Lastly, even if  
16 the site planning was appropriate and all the  
17 alternative locations were fully vetted and  
18 exhausted, we would remain concerned about the lack  
19 of equity paid to the design of the facility, which  
20 again, Madam Speaker, alluded to earlier. One  
21 prevailing message that has been delivered by the  
22 Community Board and other neighborhood residents  
23 repeatedly in conversation and testimony is that the  
24 location could be acceptable. In fact, a multi-  
25 garage facility would be acceptable, if it mirrored

2 the quality of garages recently developed and  
3 proposed in other areas, more affluent areas of the  
4 City. The M1, 2, and 5 garage, which was also  
5 brought up earlier, located at Hudson Square in  
6 Manhattan Community District Two should serve as the  
7 model for all sanitation garages in the future, and  
8 the same effort and care and sensitivity to community  
9 concerns that was demonstrated there should be  
10 demonstrated in Community District 11. So, we would  
11 ask the Council in coordination with relevant city  
12 agencies to pursue conversations, not just for the  
13 long-term solution but even for a better temporary  
14 site, one that ensures design and quality are on par  
15 with some of the more recent garage proposals and  
16 developments. Thank you very much for your time and  
17 consideration.

18 CHAIRPERSON MENDEZ: Thank you. Please,  
19 hold on. Madam Speaker, do you have any questions?

20 SPEAKER MARK-VIVERITO: Just to clarify,  
21 there already are two existing facilities in this  
22 Community Board. It's just being relocated within  
23 the same Community Board. So, that's, you know,  
24 that's definitely an issue that we have concerns  
25 about it, and we've expressed on multiple occasions

2 to the City, not only to Sanitation but to other  
3 agencies about ensuring that every Community District  
4 does take care of its own facility, of its own needs,  
5 because we have unfortunately certain communities  
6 that are overburdened, and East Harlem clearly is one  
7 of them, but I'm not opposed to housing our own  
8 facility and even considering relocating that  
9 facility within our own boundaries. And I think that  
10 for the purpose of what we've seen-- and again, that  
11 this is an outstanding issue. You know, it's  
12 something that I would seriously consider with some  
13 additional adjustments, and I know that there's been  
14 a lot of conversations that we've had with the  
15 Sanitation. So, I hear the concerns with the Borough  
16 President, understanding that this is a temporary  
17 facility. We are looking for a long-term solution,  
18 as long as we can convene some sort of a working  
19 group where we can find that permanent solution. I  
20 think that's-- I'm glad to hear that that's something  
21 we can engage in, and I'm sure the Borough President  
22 would probably be part of that as well.

23 ORLANDO RODRIGUEZ: Absolutely.

24 CHAIRPERSON MENDEZ: Of the other garages  
25 that you have mentioned in your testimony, I know the

2 one on Spring Street is lead certified, but of all  
3 those other garages, which ones are least or  
4 temporary to Department of Sanitation? Do you know?

5 ORLANDO RODRIGUEZ: I'm sorry. Could  
6 you-- would you mind clarifying the question.

7 CHAIRPERSON MENDEZ: You referenced that  
8 the East Harlem should replicate some of the other  
9 state-of-the-art garages, which I know are lead  
10 certified.

11 ORLANDO RODRIGUEZ: Right.

12 CHAIRPERSON MENDEZ: And so I'm asking if  
13 you know whether those other garages are temporary  
14 leased facilities. Do you--

15 ORLANDO RODRIGUEZ: [interposing] No.

16 CHAIRPERSON MENDEZ: You do not know.

17 ORLANDO RODRIGUEZ: Not that I'm aware.

18 CHAIRPERSON MENDEZ: Madam Commissioner,  
19 could you answer the question?

20 COMMISSIONER GARCIA: So, are the leased  
21 facilities lead certified, is that what your question  
22 is?

23 SPEAKER MARK-VIVERITO: I think Rosie's  
24 talking about, like what you alluded to the Spring  
25 Street facility, the one that is state-of-the-art and

2 the one that you mentioned. Is that a temporary  
3 facility or is that a permanent facility?

4 COMMISSIONER GARCIA: No, the Spring  
5 Street garage was lead certified. It was-- we  
6 condemned the property from UPS and took it over as  
7 City property. It did take me more than 12 years to  
8 get that piece of property constructed, though. So,  
9 and while everyone loves it now, if you go back and  
10 look at the record, that local community rejected us  
11 and sued us for a very long time. So, now it-- now  
12 they love it, but no, we were not embraced with open  
13 arms at the time.

14 CHAIRPERSON MENDEZ: So, you-- Department  
15 of Sanitation owns it and to make that state-of-the-  
16 art building took over a decade.

17 COMMISSIONER GARCIA: Yes, and we  
18 actually-- technically it's a business condo because  
19 UPS is actually on the bottom floor still. So, it's  
20 to get us out of the park required some creativity,  
21 but still took, you know, a very, very, very long  
22 time to get done.

23 CHAIRPERSON MENDEZ: Thank you, Madam  
24 Commissioner, and thank you for your testimony, sir.

25 ORLANDO RODRIGUEZ: Thank you.

2 CHAIRPERSON MENDEZ: Are there any other  
3 public speakers, anybody who would wish to testify?

4 Okay, seeing none. Madam Speaker, would you like to  
5 say anything else? Okay, public hearing on LU Number  
6 727 is now being-- is now closed, and the item is  
7 laid over for future consideration. Thank you very  
8 much.

9 [gavel]

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1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES 41

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date August 4, 2017